HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO. 6060 OF 2005
P.R. No. 5793 of 2005

Petitioner:

Shri Dhaneshwari Manava Vikas Mandal, through Hemant Thakre, S/o Shyamlal Thakre, Aged about 29 yrs. Occupation : Assistant Professor Danteshwari College of Horticulture, Raipur, R/o Babla Complex, VIP Road, Raipur (C.G.)

VERSUS

Respondents:

1. The State of Chhattisgarh Through: Secretary, Department of Agriculture, D.K.S. Bhawan, Mantralay, Raipur (C.G.)
2. Vice Chancellor, Indira Gandhi Krishi Vishwavidyalay Krishak Nagar, Raipur (C.G.)
3. Registrar, Indira Gandhi Krishi Vishwavidyalay Krishak Nagar, Raipur (C.G.)
4. Chairman, Board of Management, Indira Gandhi, Krishi Vishwavidyalay Krishak Nagar, Raipur (C.G.)

Present:

Mrs, Hameeda Siddiqui, learned counsel for the petitioner.

Mr. Sandeep Dubey, learned Govt. Advocate for the State of Chhattisgarh.

O R D E R

(Passed on 22nd of November 2005)

The petitioner – Society has established an Agriculture College and the same is affiliated to Indira Gandhi Krishi Vishwavidyalaya, the second respondent herein. The second respondent – University granted affiliation to the petitioner College on 03-12-2001. When it came to the notice of the University that the petitioner – Society as well as similarly circumstanced certain other Societies in whose favour affiliations were granted in the year 2001 did not possess required infrastructure facilities to establish and run Agriculture Colleges in terms of the statutory regulation, they initiated action to disaffiliate those Colleges. At that stage, the petitioner – Society and others made representations to the University to re-consider the decision and that led to the University constituting a Committee to inspect infrastructure facilities provided in the Colleges. That Committee having inspected the Colleges submitted its report classifying all the Colleges into three categories and the petitioner's College is included in the second category. In the second category, those Colleges which had made marginal improvement in providing infrastructure facilities are included. Though initially there was a proposal to disaffiliate the petitioner's College, it appears, on the basis of the report of the Committee, the University did not pursue the action to disaffiliate the petitioner's college, but, directed the petitioner's College not to make admission for the academic year 2005-2006. Thereafterwards, the University on the basis of the infrastructure facilities available in the petitioner's College, has fixed the intake at 48 thereby reducing the intake from 96 to 48. Being aggrieved by the said action, the present writ petition is filed.

2. I have heard Mrs. Hameeda Siddiqui, learned counsel for the petitioner and Mr. Sandeep Dubey, learned Govt. Advocate, for the State.

3. It was contended by Mrs. Siddiqui that the action of the University in reducing the intake to 48 as against 96 granted in the year 2001 is arbitrary and unreasonable. According to the learned counsel, the petitioner's College has all the infrastructure facilities to impart education for 96 students. This claim of the petitioner as put forth by its learned counsel has been contested by the other side.

4. As held and reiterated in umpteen number of pronouncements of the Supreme Court and High Courts, in reviewing academic decisions, the Constitutional Courts should be slow and the decision of the academic bodies cannot be upset lightly unless it is shown that the decision is tainted by mala fide, factual or legal. The Committee constituted by the University to inspect, having inspected the petitioner's College has submitted a report in which it is pointed out that the required infrastructure facilities as required by the regulations are not fully provided and improvements made by the petitioner's College are only marginal. Therefore, the University, in all fairness instead of disaffiliating the petitioner's College thought it appropriate not to disaffiliate, but, with a lesser intake and accordingly the University has reduced the intake from 96 to 48. Such an action cannot be condemned as arbitrary and unreasonable. No ground is made out to interfere with the impugned decision of the University on any permissible grounds of judicial review. The writ petition is, therefore, dismissed. Mrs. Siddiqui would, however, submit that as on today the petitioner's college has made improvements in providing infrastructure facilities and therefore, the petitioner's college may be permitted to make one more representation to the University to consider its request for more intake and to regularize the excess admissions made. If the assertion made by the learned counsel is correct

and if any representation is made by the petitioner to the University for enhancing the intake or to regularize the excess admissions made by the petitioner's College, it is for the University to consider such request and pass appropriate orders in accordance with law. It is not for us to express any opinion.

Sd/-
Chief Justice

Brajesh